THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:15-12-2005

WRIT PETITION No.26765 OF 2005

BETWEEN:

ABM Junior College (High School), Kavali, Nellore District, represented by its Correspondent.

…Petitioner

And

Government of A.P., rep. by Secretary, Education (COSE) Department, Hyderabad and others.

…Respondents

ORDER:

The petitioner questions the order of the 4th respondent in RC No.4979/A/2005 (Aided), dated 19-11-2005 declaring the 5th respondent as surplus staff without following due procedure.

Heard the learned counsel for the petitioner and the learned

Government Pleader.

It is stated that the petitioner college has got high school section and the 4th respondent by his proceedings dated 19-11-2005 declared the 5th respondent as surplus staff in the petitioner high school and she was re-deployed to the 6th respondent school. It is stated that as per the guidelines issued by the Government from time to time in G.O.Ms.No.1 (Education) dated 1-1-1994 and G.O.Ms.No.103, dated 5-8-2005, 5th respondent cannot be declared as surplus staff. Without giving any notice to the petitioner, 4th respondent declared the 5th respondent as surplus staff. It is stated that in the similar circumstances, this Court passed orders in W.P.No.25132 of 2005 permitting the petitioner to prefer an appeal under Section 89 of the Andhra Pradesh Education Act, 1982 (for short 'the Act') before the second respondent expressing its grievance.

Having regard to the facts and circumstances of the case, the writ petition is disposed of following the Judgment of this Court in W.P.No.25132 of 2005 dated 24-11-2005, leaving it open to the petitioner to prefer an appeal under Section 89 of the Act before the second respondent, narrating its grievance within a period of one week from today. Status quo obtaining as on today shall be maintained for a period of three weeks. The second respondent shall examine the matter and in case, the appeal is not disposed of within a period of two weeks from the date of presentation of the same, he shall pass appropriate orders to protect the interest of the petitioner till the disposal of the appeal. There shall be no order as to costs.

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V.ESWARAIAH, J

Date: 15-12-2005.

Shr.